

**UNITED STATES DISTRICT COURT  
DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

ATLANTIC BASIN REFINING, INC.,

Plaintiff,

v.

ARCLIGHT CAPITAL PARTNERS, LLC and  
JP ENERGY PARTNERS, LP,

Defendants.

Case No. 15 Civ. 0071 (WAL) (EAH)

**DEFENDANTS' MOTION FOR LEAVE TO FILE SUR-REPLY TO PLAINTIFF'S  
NOTICE OF SUPPLEMENTAL AUTHORITY**

Pursuant to Local Civil Rule 7.1, Defendants respectfully request leave to file a brief sur-reply to Plaintiff Atlantic Basin Refining, Inc.'s ("ABR") reply regarding its notice of supplemental authority (Dkt. 371). ABR's reply constituted its first presentation of its substantive position on the purported supplemental authority, which was not included in its original notice (Dkt. 367). Accordingly, a sur-reply is warranted because ABR raised arguments in its reply that it had not raised in previous briefing. *See, e.g., Amlin Underwriting, Ltd. v. Caribbean Auto Mart of St. Croix, Inc.*, 2010 WL 3825106, at \*2 (D.V.I. Sept. 28, 2010) ("It is appropriate to grant a sur-reply to allow the non-moving party the opportunity to respond to arguments raised for the first time in the movant's reply."); *see also* Dkt. 246 at 9 n.5 (noting that requesting leave to file sur-reply is "customary" remedy where new argument raised for first time on reply). A sur-reply is further necessary to correct ABR's misstatements regarding *Harrington v. Purdue Pharma L. P.*, 144 S. Ct. 2071 (2024), which does not bear on the present case. Defendants' proposed submission is attached hereto as Exhibit 1, along with a proposed order.

Dated: August 12, 2024

Respectfully submitted,

New York, New York

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on August 12, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following.

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Dated: August 12, 2024  
New York, New York

Respectfully submitted,

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